

# HOUSE BILL No. 1436

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 22-3.

**Synopsis:** Religious exemption from worker's compensation. Provides that an employee and employer who have religious objections to receiving certain insurance or medical benefits may file an application with the worker's compensation board (board) to be exempt from worker's compensation benefits for personal injury or death by accident and occupational diseases. Requires the board to grant the exemption if the board makes certain findings. Extends the exemption to certain members of the employee's family for worker's compensation benefits that might otherwise be due them.

**Effective:** July 1, 2007.

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**Stutzman, Bell**

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January 16, 2007, read first time and referred to Committee on Rules and Legislative Procedures.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE BILL No. 1436

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 22-3-5-4.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2007]: **Sec. 4.5. (a) Notwithstanding sections 1(a) and 4(a) of this**  
4 **chapter, an employer and employee may file an application with**  
5 **the worker's compensation board to be exempted from IC 22-3-2**  
6 **through IC 22-3-6 on the basis of religious belief by both the**  
7 **employer and employee concerning the duties to pay and accept**  
8 **compensation for personal injury or death by accident arising out**  
9 **of and in the course of employment.**  
10 (b) The worker's compensation board shall devise an  
11 application to be used when an employer and employee seek the  
12 exemption under subsection (a). The application must include the  
13 following:  
14 (1) A statement that:  
15 (A) the employee is a member of a recognized religious sect  
16 or division of a recognized religious sect;  
17 (B) the employer is a member of the same recognized



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religious sect or the same division of a recognized religious sect; and

(C) as the employee and employer are adherents to established tenets or teachings of the sect or division referenced in clauses (A) and (B), the employee and employer are conscientiously opposed to the acceptance of the benefits of public or private insurance that makes payments:

(i) in the event of death, disability, old age, or retirement; or

(ii) for the cost of medical bills or to provide medical services.

(2) A waiver by the employee of all benefits that may be due to the employee or the personal representative, dependents, or next of kin of the employee at common law or otherwise under IC 22-3-2 through IC 22-3-6.

(c) Except as provided in subsection (d), the statement and waiver included in an application under subsection (b) must be signed and verified by oath or affirmation by both the employee and employer.

(d) If the employer and employee who file an application under subsection (a) are both members of the Old Order Amish or Old Order Mennonite Church, the bishop of the employer and employee must sign a statement attesting that the information in the statement and waiver included in the application is true before the worker's compensation board may consider granting the employer and employee an exemption under this section.

(e) The worker's compensation board shall grant an exemption under this section if the worker's compensation board finds that:

(1) an application including a statement described in subsection (b)(1) and a waiver described in subsection (b)(2) has been filed with the worker's compensation board as required by this section;

(2) the employer and employee who filed the application are members of a sect or division described in subsection (b)(1); and

(3) it is the practice for members of the employer's and employee's sect or division to make provision for the care of a dependent member of the sect or division that the sect or division believes is reasonable in view of the member's general level of living.

(f) An application filed under subsection (a) waives all other

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rights and remedies of:

(1) the employee;

(2) the employee's personal representative or dependent; or

(3) the employee's next of kin at common law or otherwise;

relating to the employee's personal injury or death by accident arising out of and in the course of the employee's employment, except for remedies available under IC 5-2-6.1.

(g) If an employee is a minor, the statement and waiver included in an application under subsection (b) must be made by a parent or guardian of the minor.

(h) An exemption granted under subsection (e) is valid until the employee, employer, sect, or division notifies the worker's compensation board in writing that the requirements of this section for the exemption are no longer satisfied.

(i) A court in Indiana does not have jurisdiction:

(1) over an action brought by a person against an employer if the action arose from a personal injury or death; or

(2) to enforce the judgment of a court outside Indiana if the judgment was entered in an action that arose from a personal injury or death;

by accident arising out of and in the course of the employment that was the subject of an exemption granted under subsection (e).

SECTION 2. IC 22-3-7-34.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 34.3. (a) Notwithstanding section 34 of this chapter, an employer and employee may file an application with the worker's compensation board to be exempted from this chapter on the basis of religious belief by both the employer and employee concerning the duties to pay and accept compensation for disablement or death by occupational disease arising out of and in the course of employment.

(b) The worker's compensation board shall devise an application to be used when an employer and employee seek the exemption under subsection (a). The application must include the following:

(1) A statement that:

(A) the employee is a member of a recognized religious sect or division of a recognized religious sect;

(B) the employer is a member of the same recognized religious sect or the same division of a recognized religious sect; and

(C) as the employee and employer are adherents to

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established tenets or teachings of the sect or division referenced in clauses (A) and (B), the employee and employer are conscientiously opposed to the acceptance of the benefits of public or private insurance that makes payments:

(i) in the event of death, disability, old age, or retirement; or

(ii) for the cost of medical bills or to provide medical services.

(2) A waiver by the employee of all benefits that may be due to the employee or the personal representative, dependents, or next of kin of the employee at common law or otherwise under this chapter.

(c) Except as provided in subsection (d), the statement and waiver included in an application under subsection (b) must be signed and verified by oath or affirmation by both the employee and employer.

(d) If the employer and employee who file an application under subsection (b) are both members of the Old Order Amish or Old Order Mennonite Church, the bishop of the employer and employee must sign a statement attesting that the information in the statement and waiver included in the application is true before the worker's compensation board may consider granting the employer and employee an exemption under this section.

(e) The worker's compensation board shall grant an exemption under this section if the worker's compensation board finds that:

(1) an application including a statement described in subsection (b)(1) and a waiver described in subsection (b)(2) has been filed with the worker's compensation board as required by this section;

(2) the employer and employee who filed the application are members of a sect or division described in subsection (b)(1); and

(3) it is the practice for members of the employer's and employee's sect or division to make provision for the care of a dependent member of the sect or division that the sect or division believes is reasonable in view of the member's general level of living.

(f) An application filed under subsection (a) waives all other rights and remedies of:

(1) the employee;

(2) the employee's personal representative or dependent; or

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(3) the employee's next of kin at common law or otherwise;  
relating to the employee's disablement or death by occupational  
disease arising out of and in the course of the employee's  
employment, except for remedies available under IC 5-2-6.1.

(g) If an employee is a minor, the statement and waiver included  
in an application under subsection (b) must be made by a parent or  
guardian of the minor.

(h) An exemption granted under subsection (e) is valid until the  
employee, employer, sect, or division notifies the worker's  
compensation board in writing that the requirements of this section  
for the exemption are no longer satisfied.

(i) A court in Indiana does not have jurisdiction:

(1) over an action brought by a person against any employer  
if the action arises from a disablement or death; or

(2) to enforce the judgment of a court outside Indiana if the  
judgment was entered in an action that arose from a  
disablement or death;

by occupational disease arising out of and in the course of the  
employee's employment that was the subject of the exemption  
granted under subsection (e).

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